

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

LACEY WILSON,)	
)	
Plaintiff,)	
)	
vs.)	Case No.
)	
DECA FINANCIAL SERVICES, LLC,)	JURY TRIAL DEMANDED
)	
Defendant.)	

NOTICE OF REMOVAL

Defendant DECA Financial Services, LLC (“DECA” or “Defendant”) hereby files its Notice of Removal of the above-captioned case to this Court and, in support of removal, respectfully states as follows:

1. DECA is named as defendant in Civil Action No. 11SL-AC40611, filed in the Circuit Court of St. Louis County, Missouri, Associate Circuit Judge Division, styled *Lacey Wilson v. DECA Financial Services, LLC* (the “State Court Action”).

2. Plaintiff Lacey Wilson is an individual residing in St. Louis County, Missouri.

3. DECA is an Indiana limited liability company with its principal place of business located in Fishers, Indiana.

4. The Petition in the State Court Action was filed with the Clerk of the Circuit Court of St. Louis County on or about November 1, 2011. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings and orders upon Defendant in the State Court Action are attached hereto as **Exhibit A**.

5. In the State Court Action, Plaintiff alleges that Defendant violated two federal statutes, the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et. seq.* (“FDCPA”) and the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et. seq.* (“TCPA”).

6. Any civil action is removable if the plaintiff could have originally brought the action in federal court. *See* 28 U.S.C. § 1441(a).

7. Under 28 U.S.C. § 1331 this Court has original federal question jurisdiction over Plaintiff's FDCPA claim. While the TCPA is silent as to federal jurisdiction, even if the TCPA claim lacks federal jurisdiction, this Court has supplemental jurisdiction over Plaintiff's TCPA claim pursuant to 28 U.S.C. § 1367(a).

8. Accordingly, pursuant to 28 U.S.C. § 1441(b), Defendant has the right to remove the State Court Action to this Court, without regard to the citizenship or residency of the parties or the amount in controversy.

9. Defendant was formally served with the Summons and Petition on November 30, 2011. This removal is therefore timely pursuant to 28 U.S.C. § 1446(b).

10. By this Notice of Removal, Defendant does not waive any defense, jurisdictional or otherwise, which it may possess. Defendant also does not concede that Plaintiff has stated a claim against it.

WHEREFORE, Defendant DECA Financial Services, LLC respectfully requests that this Court remove the above-captioned State Court Action to this Court, pursuant to 28 U.S.C. § 1441.

Respectfully submitted,

SPENCER FANE BRITT & BROWNE LLP

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing was mailed this 29th day of December, 2011, first class postage prepaid to:

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/s/ Patrick T. McLaughlin